

REMARKS

Claims 3-6, 13-15, and 17-33 are cancelled herein without prejudice. Claim 1 is amended to delete parts (b), (c), and (d). No new matter has been added.

In light of these amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 1, 8, and 38-41. Applicants also request rejoinder and allowance of claims 7, 9, and 10.

Claim Objections

The Examiner objected to claims 1, 8, and 38-41 for containing non-elected subject matter. Applicants have amended claim 1 to delete parts (b), (c), and (d). Applicants request that the remaining non-elected species recited in claim 1 be rejoined and examined.

Rejections under 35 U.S.C. §102

The Examiner rejected claims 1 and 38-41 under 35 U.S.C. §102(e), as allegedly being anticipated by U.S. Patent No. 6,660,476 (the Comings et al. patent). The Examiner alleged that the Comings et al. patent discloses guanine-to-adenine substitutions at the positions in the PNMT gene that correspond to positions 1301 and 1509 of SEQ ID NO:1.

Applicants respectfully disagree. The Comings et al. patent does not disclose a nucleic acid that consists essentially of at least 15 contiguous nucleotides of SEQ ID NO:6 or SEQ ID NO:1 and contains one of the positions recited in previous claim 1. With respect to positions 1301 and 1509 of SEQ ID NO:1, Applicants note that the 18-mer primers cited by the Examiner at page 3 of the Office Action do not contain those positions, but rather are adjacent to those positions.

To further prosecution, however, Applicants have deleted parts (b), (c), and (d) from claim 1. As amended, claim 1 does not recite polymorphisms at positions 1301 and 1509 of SEQ ID NO:1. Thus, this rejection is moot.

Allowable claims

Applicants acknowledge the allowability of claims 11 and 12.

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CONCLUSION

Applicants submit that claims 1, 8-12, and 38-41 are in condition for allowance, which action is respectfully requested. The Examiner is invited to telephone the undersigned agent if such would further prosecution.

Please charge \$395 for the RCE fee, and apply any other charges or credits, to deposit account 06-1050.

Respectfully submitted,

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